

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA	)	CRIMINAL NO. 2:08cr <u>4</u>
)	
v.	)	21 U.S.C. § 846
	)	Conspiracy to Distribute and Possess with
MANCER L. BARRINGTON, III,	)	Intent to Distribute Cocaine and
	)	Cocaine Base
(Counts 1-5)	)	(Count 1)
)	
	)	21 U.S.C. § 841(a)(1)
MALIK CARSON,	)	Possession with Intent to
	)	Distribute Cocaine and Cocaine Base
(Counts 1-4)	)	(Counts 2 and 3)
)	
Defendants.	)	18 U.S.C. § 924(c)(1)
	)	Possession of a Firearm in
	)	Furtherance of Drug Trafficking
	)	(Count 4)
)	
	)	18 U.S.C. § 922(g)
	)	Possession of a Firearm by a convicted
	)	Felon
	)	(Count 5)
)	
	)	21 U.S.C. § 853
	)	Forfeiture Allegation

SUPERSEDING INDICTMENT

FEBRUARY 2008 Term - At Norfolk, Virginia

THE GRAND JURY CHARGES THAT:

COUNT ONE

From in or about 2003, and continuously thereafter up to and including October 10, 2007, at Norfolk, in the Eastern District of Virginia, and elsewhere, MANCER L. BARRINGTON, III and MALIK CARSON, the defendants herein, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree together with each other and with other persons known and unknown to the Grand Jury, to commit the following offenses against the United States:

1. To knowingly, intentionally, and unlawfully distribute fifty (50) grams or more of a mixture or substance containing a detectable amount of cocaine base, commonly known as "crack," a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Section 841 (a)(1) and (b)(1)(A)(iii).
2. To knowingly, intentionally, and unlawfully possess with intent to distribute fifty (50) grams or more of a mixture or substance containing a detectable amount of cocaine base, commonly known as "crack," a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Section 841 (a)(1) and (b)(1)(A)(iii).
3. To knowingly, intentionally, and unlawfully distribute a quantity of a mixture or substance containing a detectable amount of cocaine, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Section 841 (a)(1) and (b)(1)(C).
4. To knowingly, intentionally, and unlawfully possess with intent to distribute a quantity of a mixture or substance containing a detectable amount of cocaine, a Schedule I narcotic controlled substance, in violation of Title 21, United States Code, Section 841 (a)(1) and (b)(1)(C).

OVERT ACTS

In furtherance of the conspiracy and to accomplish one or more of the purposes thereof, the following overt acts, among others, were committed in the Eastern District of Virginia:

1. From 2003 to 2005 MANCER L. BARRINGTON, III distributed approximately four and one half (4 ½) ounces of crack cocaine on at least ten (10) occasions to an unindicted co-conspirator in the City of Norfolk.

2. On or about November 8, 2007, MANCER L. BARRINGTON, III delivered approximately 291.06 grams of cocaine and a loaded Taurus .38 caliber revolver to MALIK CARSON at a residence located in the 2700 block of Victoria Avenue, in the City of Norfolk.

3. On or about November 8, 2007, in a residence in the 2700 block of Victoria Avenue, in the City of Norfolk, MALIK CARSON was preparing crack cocaine for distribution. From the room where MALIK CARSON was preparing the crack cocaine, Norfolk police officers recovered crack cocaine drying on a napkin, two (2) bags of cocaine, a bag of cocaine which contained four (4) separate bags of cocaine, a bag of cocaine which contained three (3) separate bags of cocaine,, a digital scale, 2 boxes of baking soda, a box of sandwich bag corners and cut baggies, a hot plate, and assorted paperwork with MALIK CARSON's name on it.

4. On or about November 8, 2007, in the 2700 block of Victoria Avenue, in the City of Norfolk, MALIK CARSON possessed on his person, one bag cocaine, seven baggies of crack cocaine, and \$830.00.

5. On or about November 8, 2007, in the 2400 block of East Virginia Beach Boulevard in the City of Norfolk, MANCER L. BARRINGTON, III possessed on his person \$3,834.00 and \$10,780.00 in a 1997 Infinity Q45 vehicle, while traveling from the 2700 block of Victoria Avenue.

(All In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A)(iii) and

COUNT TWO

On or about November 8, 2007, in Norfolk, within the Eastern District of Virginia, MANCER L. BARRINGTON, III and MALIK CARSON, the defendants herein, did unlawfully, knowingly and intentionally possess with intent to distribute five (5) grams or more of a mixture and substance containing a detectable amount of cocaine base, commonly known as "crack" cocaine, a Schedule II narcotic controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(iii) and Title 18, United States Code, Section 2.)

COUNT THREE

On or about November 8, 2007, in Norfolk, within the Eastern District of Virginia, MANCER L. BARRINGTON, III and MALIK CARSON, the defendants herein, did unlawfully, knowingly and intentionally possess with intent to distribute approximately 291.06 grams of a mixture and substance containing a detectable amount of cocaine, a Schedule II narcotic controlled substance.

(In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C) and Title 18, United States Code, Section 2.)

COUNT FOUR

On or about November 8, 2007, in Norfolk, within the Eastern District of Virginia, MANCER L. BARRINGTON, III and MALIK CARSON, the defendants herein, did unlawfully and knowingly possess a firearm, to wit: a Taurus .38 caliber revolver, in furtherance of a drug trafficking crime for which they may be prosecuted in a Court of the United States, that is conspiracy to distribute and possess with intent to distribute cocaine base and cocaine, and possession with intent to distribute cocaine base and cocaine, as set forth in Counts One through Three of this indictment.

(In violation of Title 18, United States Code, Section 924 (c)(1).)

COUNT FIVE

On or about November 8, 2007, in Norfolk, within the Eastern District of Virginia, MANCER L. BARRINGTON, III, the defendant herein, having previously been convicted of a felony crime punishable by imprisonment for a term exceeding one year, did unlawfully and knowingly possess, in and affecting commerce, a firearm, that is: a Taurus .38 caliber revolver and ammunition, which had been shipped and transported in interstate and foreign commerce.

(In violation of Title 18, United States Code, Sections 922(g)(1).)

FORFEITURE ALLEGATION

1. The defendants, MANCER L. BARRINGTON, III and MALIK CARSON, if convicted of any violation alleged in Counts One through Three of the Indictment, namely conspiracy to distribute and possess with intent to distribute cocaine and cocaine base, possession with the intent to distribute cocaine base and possession with the intent to distribute cocaine, respectively, shall forfeit to the United States:

- a. Any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as the result of such violations; and
- b. Any of the defendants' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation; or
- c. Any other property of the defendants up to the value of the property subject to forfeiture above, if any property subject to forfeiture above, (a) cannot be located upon the exercise of due diligence, (b) has been transferred to, sold to, or deposited with a third person, (c) has been placed beyond the jurisdiction of the Court, (d) has been substantially diminished in value, or (e) has been commingled with other property that cannot be subdivided without difficulty.

2. The property subject to forfeiture in paragraph 1 includes, but is not limited to, the following:

- a. Taurus .38 caliber revolver, serial 261585;
- b. \$15,444.00.00 in United States Currency the Norfolk Police Department seized on November 8, 2007;and
- c. 2001 green GMC Yukon, VA tag number KFH 2384.

(In violation of Title 21, United States Code, Section 853.)

UNITED STATES v. MALIK CARSON

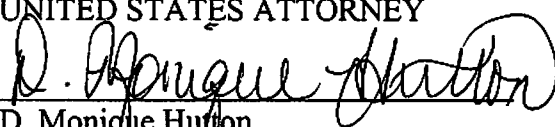
Criminal No. 2:08cr 4

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A TRUE BILL:

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

FOREPERSON

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